

ESTTA Tracking number: **ESTTA361766**

Filing date: **08/05/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following parties oppose registration of the indicated application.

Opposers Information

Name	Integrated Management Information, Inc.		
Entity	Corporation	Citizenship	Colorado
Address	221 Wilcox Street, Suite A Castle Rock, CO 80104 UNITED STATES		

Name	Integrated Management Information, Inc.		
Entity	Corporation	Citizenship	Colorado
Address	221 Wilcox Street, Suite A Castle Rock, CO 80104 UNITED STATES		

Attorney information	Cheryl L. Burbach Hovey Williams LLP 10801 Mastin Boulevard, Suite 1000 84 Corporate Woods OVERLAND PARK, KS 66210 UNITED STATES clb@hoveywilliams.com, litigation@hoveywilliams.com Phone:(913) 647-9050		
----------------------	--	--	--

Applicant Information

Application No	77883973	Publication date	07/06/2010
Opposition Filing Date	08/05/2010	Opposition Period Ends	08/05/2010
Applicant	Barrie, Frank W 117 South Pine Avenue Albany, NY 12208 UNITED STATES		

Goods/Services Affected by Opposition

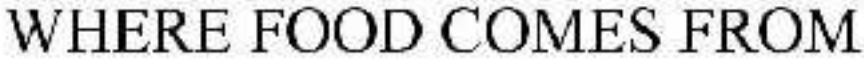
Class 035.

All goods and services in the class are opposed, namely: Promoting health and environmental awareness within people so that they can lead a clean and healthy life; Promoting public awareness of shopping locally; Promoting public awareness of the need for sustaining local agriculture; Promoting the goods and services of others by providing a web site at which users can link to local agriculture sources

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3694440	Application Date	05/12/2009
Registration Date	10/06/2009	Foreign Priority Date	NONE
Word Mark	WHERE FOOD COMES FROM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2007/10/15 First Use In Commerce: 2008/10/28 Food quality verification services, namely, verifying the origin and handling practices of food production		

U.S. Application No.	77908046	Application Date	01/08/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	WHERE FOOD COMES FROM VERIFIED		
Design Mark			
Description of Mark	The mark consists of two concentric circles, the words "WHERE FOOD COMES FROM" and "VERIFIED" displayed within the outer concentric circle, and a fanciful tree design in the inner circle.		
Goods/Services	Class 042. First use: First Use: 2008/07/31 First Use In Commerce: 2009/02/00 food quality verification services, namely, verifying the origin and handling practices of food production		

Attachments	77735237#TMSN.jpeg (1 page)(bytes) 77908046#TMSN.jpeg (1 page)(bytes) Notice of Opposition.pdf (5 pages)(49590 bytes)
-------------	--

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Cheryl L. Burbach/
Name	Cheryl L. Burbach
Date	08/05/2010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Integrated Management Information, Inc.)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
Frank Barrie)	
)	
Applicant.)	

NOTICE OF OPPOSITION

In the matter of Application Serial No. 77/883,973, filed December 2, 2009, in the name of Frank Barrie (hereinafter “Applicant”), published for opposition in the Trademark *Official Gazette* of July 6, 2010, for the mark KNOW WHERE YOUR FOOD COMES FROM.COM (and Design), Integrated Management Information, Inc. (hereinafter “Opposer”) believes that it would be damaged by registration of the mark shown in said application and hereby opposes the same.

As grounds for opposition, it is alleged that:

Parties

1. Opposer, Integrated Management Information, Inc., is a corporation organized under the State of Colorado, having a principal place of business at 221 Wilcox Street, Suite A, Castle Rock, Colorado 80104.
2. Applicant, Frank Barrie, is, on information and belief, an individual, with an address of 117 South Pine Avenue, Albany, New York 12208.

COUNT I

3. Since at least as early as July 31, 2008, Opposer has continuously used the mark WHERE FOOD COMES FROM in word form and design form, in interstate commerce, “for food quality verification services, namely, verifying the origin and handling practices of food production.”

4. Opposer is the owner of United States Registration for the WHERE FOOD COMES FROM mark, No. 3694440, Registration Date October 6, 2009. That registration is valid and subsisting.

5. Opposer also owns a United States trademark application for WHERE FOOD COMES FROM VERIFIED (and design), Application Serial No. 77/908,046, to wit:



The publication period has expired, and the certificate of registration should issue forthwith. Both of the marks identified in paragraphs 4 and 5 will be referred to as the “Marks.”

6. As a result of the widespread use in interstate commerce by Opposer of the Marks in connection with for food quality verification services, namely, verifying the origin and handling practices of food production, the Marks have become highly distinctive, have acquired extensive goodwill, and are well known and recognized by the relevant consuming public as identifying high quality services, which have their origin with Opposer.

7. Opposer’s Marks were in use prior to the acquisition of any rights Applicant may currently claim in his mark.

8. Notwithstanding Opposer's prior rights in and to the aforesaid distinctive Marks, on December 2, 2009, Applicant filed an application for registration of a mark consisting of the words KNOW WHERE YOUR FOOD COMES FROM.COM, Application Serial No. 77/883,973, which was published for opposition, identifying the following services: "Promoting health and environmental awareness within people so that they can lead a clean and healthy life; Promoting public awareness of shopping locally; Promoting public awareness of the need for sustaining local agriculture; Promoting the goods and services of others by providing a web site at which users can link to local agriculture sources" in International Class 35.

9. Applicant's use and registration of its mark in connection with the proposed services is likely to cause in the minds of the public confusion, mistake or deception as to the source of origin of Applicant's services that would lead the public and prospective purchasers to believe that Applicant's services are those of Opposer's and/or are provided by, sponsored by, approved by, licensed by, affiliated with Opposer, or are in some other way legitimately connected to Opposer and/or its services, goods, and/or licensed products.

10. To allow registration of the mark WHERE FOOD COMES FROM.COM (and Design) for the services identified in the opposed application to Applicant in view of the prior rights of Opposer would cause damage to Opposer and to the reputation and goodwill it enjoys in its Marks.

WHEREFORE, Opposer respectfully requests that this opposition be sustained and Applicant's application to register the mark WHERE FOOD COMES FROM.COM, Application Serial No. 77/883,973 be denied as filed and published, and Applicant adjudged not entitled to registration

of his mark. If any additional fee is due in connection with the filing of this Notice of Opposition, it may be charged to Deposit Account 19-0522.

Respectfully Submitted

Integrated Management Information, Inc.

By its Attorneys,

/s/ Cheryl L. Burbach
Cheryl L. Burbach
HOVEY WILLIAMS LLP
10801 Mastin Boulevard, Suite 1000
Overland Park, KS 66210
Phone: 913-647-9050

Attorneys for Opposer

CERTIFICATE OF FILING

I hereby certify that the foregoing *Notice of Opposition* is being filed electronically with the United States Patent and Trademark Office - Trademark Trial and Appeal Board.

Dated: August 5, 2010

/s/ Cheryl L. Burbach
Cheryl L. Burbach

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Notice of Opposition* has been served via
U.S. mail, postage prepaid, on this 5th day of August, 2010 upon:

Frank W. Barrie
117 South Pine Avenue
Albany, New York 12208

/s/ Cheryl L. Burbach
Cheryl L. Burbach